

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|----------------------------------|---|-----------------------|
| IN RE: | § | |
| | § | |
| ERIC RALLS | § | Case No. 24-60504 |
| xxx-xx-0447 | § | |
| 6691 Park Slope, Tyler, TX 75703 | § | |
| | § | |
| | § | |
| Debtor | § | Chapter 13 |
| <hr/> | | |
| DEJ PARTNERS, LLC | § | |
| | § | |
| Plaintiff | § | |
| | § | |
| v. | § | Adversary No. 24-6047 |
| | § | |
| ERIC RALLS | § | |
| | § | |
| Defendant | § | |

**ORDER REGARDING SERVICE OF ADVERSARY COMPLAINT
UPON DEFENDANT, ERIC RALLS**

ON THIS DATE the Court conducted a *sua sponte* review of the file in the above-referenced adversary proceeding. The Court finds that the Complaint in this proceeding was filed on November 25, 2024. The summons to the Defendant, the Eric Ralls, was issued on November 26, 2024, and electronically delivered to Plaintiff for service. A proof of service was filed with the Court indicating that service was not accomplished until December 9, 2024.

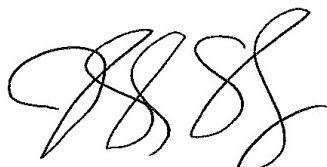
Fed. R. Bankr. P. 7004(e) requires that the summons and complaint be properly served within seven (7) days of the issuance of the summons. The timeliness of service is essential in bankruptcy proceedings because the time for an answer to be filed under Fed. R. Bankr. P. 7012(a) is measured from the date of the issuance of the summons, rather than from the date that a defendant is served, as is the process under the Federal Rules of Civil Procedure. Since more than seven days elapsed from the date of the issuance of the summons until the time that service was effectuated upon the stated Defendant, the Plaintiff must take steps to have a new summons issued and timely served upon the above-named Defendant. Accordingly,

IT IS THEREFORE ORDERED that the Plaintiff shall, within fourteen (14) days of the entry of this Order, either:

- (1) provide for the issuance of a new summons to Defendant, Eric Ralls, and thereafter effect service on such Defendant in the proper manner and within the time constraints of Fed. R. Bankr. P. 7004(e); or
- (2) otherwise show cause by written response to the Court as to why the Plaintiff's complaint as against Eric Ralls, should not be dismissed for want of prosecution.

IT IS FURTHER ORDERED THAT A FAILURE TO COMPLY WITH THE ABOVE DIRECTIVES WILL RESULT IN DISMISSAL OF THE COMPLAINT AS TO THE REFERENCED DEFENDANT WITHOUT FURTHER NOTICE OR HEARING.

Signed on 12/20/2024



THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE